

Exhibit E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In re: Bard IVC Filters,)	
Products Liability Litigation)	
)	
)	
)	MD-15-02641-PHX-DGC
)	
Sherr-Una Booker, an individual,)	
)	Phoenix, Arizona
Plaintiff,)	March 28, 2018
v.)	12:50 p.m.
)	
C.R. Bard, Inc., a New Jersey)	
corporation; and Bard Peripheral)	CV-16-00474-PHX-DGC
Vascular, Inc., an Arizona)	
corporation,)	
)	
Defendants.)	

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 10 P.M.

(Pages 2297 through 2438)

Official Court Reporter:
Elaine Cropper, RDR, CRR, CCP
Sandra Day O'Connor U.S. Courthouse
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

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1 though this was not a long-term safety study and it completed 03:31:53
2 after six months of follow-up, that was still a 12 percent
3 caudal migration rate, a 1.2 percent fracture rate, 18 percent
4 tilt rate, and 26 percent of the filters penetrated.

5 We saw evidence that they had few, and in many cases 03:32:11
6 no reports of such failures with the SNF filter. So right
7 there is a difference in rates that they are complaining of
8 wasn't shown.

9 Ms. Hudnall agreed that the company's responsible for
10 giving risk-benefit information to doctors and doctors need 03:32:35
11 this information for informed consent and that doctors should
12 be told if Bard knew that the filters were tilting. So, again,
13 all of this gets incorporated into the information that Bard
14 should have provided and there's no evidence that they did
15 provide to any doctor, let alone Dr. D'Ayala. 03:32:53

16 Ms. Wong also testified that the G2 was not
17 statistically the same as the Recovery and that it would be
18 wrong to say that it was as good as the SNF filter so another
19 comparison that came out unfavorably for the G2 filter.

20 We also saw statistical comparisons with competitor 03:33:26
21 filters, Exhibit 2243. And there was a statistically
22 significant difference in deaths between -- for the Recovery
23 versus the Greenfield, SNF, and some other competitor filters.

24 Dr. Streiff testified that the IFU for the G2 was
25 inadequate and Dr. Muehrcke testified that doctors would have 03:33:57

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1 C E R T I F I C A T E 04:38:32

2

3 I, ELAINE M. CROPPER, do hereby certify that I am
4 duly appointed and qualified to act as Official Court Reporter
5 for the United States District Court for the District of 04:38:32
6 Arizona.

7

8 I FURTHER CERTIFY that the foregoing pages constitute
9 a full, true, and accurate transcript of all of that portion of
10 the proceedings contained herein, had in the above-entitled 04:38:32
11 cause on the date specified therein, and that said transcript
12 was prepared under my direction and control, and to the best of
13 my ability.

14

15 DATED at Phoenix, Arizona, this 29th day of March, 04:38:32
16 2018.

17

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19

20 s/Elaine M. Cropper 04:38:32

21

22

Elaine M. Cropper, RDR, CRR, CCP

23

24

25 04:38:32

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